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SECRET

ROUTING AND RECORD SHEET

SUBJECT: (Optional)
S.1783-National Narcotics Act of 1984

OLL # 84-1162

FROM: David D. Gries
NIO/EA/Narcotics

EXTENSION

NO.

DATE 21 March 1984

TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. C/OLL 7D34				To expedite this, the original has been forwarded directly to DDCI.
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FORM 1-79 610 USE PREVIOUS EDITIONS

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SECRET

The Director of Central Intelligence
Washington, D.C. 20505

NIC #01821-84
20 March 1984

National Intelligence Council

MEMORANDUM FOR: Deputy Director of Central Intelligence

THROUGH: Director, Legislative Liaison
General Counsel

FROM: David D. Gries
National Intelligence Officer for Narcotics

SUBJECT: S.1783-National Narcotics Act of 1984

1. Senator Biden's "Drug Czar" bill having passed the Senate, it is now before the House. Since a new "drug czar" will have certain powers affecting CIA and the Intelligence Community, we should quickly reach a judgment on whether to attempt amendment or accept the bill as is.

2. Tab A is [redacted] account of the legislative history as of 9 March. Tab B is [redacted] 15 February memo alerting us to Senate passage of S.1783. 25X1 25X1

3. Without legal and legislative opinion, it is difficult at this juncture to decide whether the bill significantly affects our interests or whether the two provisions watering it down protect us sufficiently. These provisions are:

-- "The Chairman on behalf of the board is authorized to 1-direct, with the concurrence of the agency employing such person, the assignment of government personnel within the United States Government in order to implement the United States policy with respect to illegal drug law enforcement" (underlining added).

-- "Notwithstanding the authority granted in subsection A of this section, the board shall not interfere with routine law enforcement or intelligence decisions of any agency" (underlining added).

CL BY SIGNER
DECL OADR

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Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

4. It would be useful if OLL and OGC would give you their opinions regarding whether the "concurrence" clause and the "shall not interfere" clause provide adequate protection.

25X1

[redacted] for

David D. Gries

Attachments:
As stated

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

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20 March 1984
DCI/NIC/NIO/EA/NARCOTICS/DGRIES:em, [redacted] 25X1
DISTRIBUTION:
Orig - Addressee
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1 - VC/NIC (MEYER)
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Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

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OLL 84-0826
9 March 1984

MEMORANDUM FOR: Deputy Director, Office of Legislative Liaison
NIO/Narcotics and East Asia
[redacted] STAT
C/ILD/OGC

FROM: [redacted] STAT
Legislation Division
Office of Legislative Liaison

SUBJECT: S. 1787 -- National Narcotics Act of 1984

REFERENCE: Memorandum to multiple addresses from [redacted] dated 18 February 1984, STAT
same subject.

1. The purpose of this memorandum is to provide further details of the Senate's consideration and passage of S. 1787, Senator Biden's "Drug Czar" Bill.

2. As noted in the referenced memorandum, S. 1787 was modified in committee along with the lines of a Department of Justice (DOJ) compromise draft. As modified, S. 1787 passed the Senate on 7 February 1984 and was referred jointly to the Subcommittee on Crime of the House Committee on the Judiciary and the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce. Neither subcommittee has scheduled any action on S. 1787.

3. Prior to the passage of S. 1787, I contacted Cary Copeland of the DOJ Office of Legislative Affairs to obtain a copy of their proposed compromise, but Cary refused to provide me a copy claiming that he had been specifically instructed not to do so. Beyond this, he assured me that the compromise proposal had been coordinated with the CIA at the Director's level. Following the passage of S. 1787, I contacted Cary Copeland to discuss DOJ's views on S. 1787 as it passed the Senate. In contrast to our earlier discussion, Cary volunteered to send me the original DOJ compromise language with annotations indicating where the Senate had made changes. (A copy of this document is attached.)

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

4. Concerning specific provisions in S. 1787, Cary said that Senator Biden added those changes that made the Attorney General the Chairman of the new National Drug Law Enforcement Policy Board and that gave the Chairman specific authority to execute the Board's decisions. Cary noted that the Justice Department strongly supports these changes, although they are cautious that their support not appear too self-serving. As a counterbalance, Cary noted that another change to the DOJ compromise proposal ensured that the Board would not interfere with the routine law enforcement or intelligence decisions of any agency.

STAT

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Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

A BILL

To establish a National ~~and International~~ Drug ~~Law~~ Enforcement ~~Coordinating~~ Policy Board.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Narcotics Act of 1983".

SEC. 2. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 ~~a year~~ per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 per centum of all hard drugs flowing into the country.

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 per centum of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National ~~and International~~ Drug ~~Law~~ Enforcement Policy ~~Coordinating~~ Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a Board must ~~will~~ have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure --

(1) the maintenance of a national and international effort against illegal drugs;

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

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(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 3. There is established in the executive branch of the Government a Board to be known as the "National ~~and International~~ Drug ~~Law~~ Enforcement Policy ~~Coordinating~~ Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a Chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget and the Director of Central Intelligence and such other officials as may be appointed by the President. > Decisions made by the Board pursuant to section 4(a) of this act shall be acknowledged by each member thereof in writing.

SEC. 4. (a) ~~The Chairman shall be the Attorney General.~~ For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(Move to follow new (a) on next page)

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

national and international illegal drug law enforcement programs and policies developed by the board under subsection (a) of this section and the implementation thereof, and

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board; and

(5) to perform such other duties as the President may direct.

(b) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherence of that responsibility, the ~~The~~ Board shall have the responsibility, and is authorized to --

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(c) In carrying out ~~its~~ responsibilities under this section, the Chairman, on behalf of ~~(b) the~~ Board, is authorized to --

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all government agencies; and

(6) use the mails in the same manner as any other department or agency of the executive branch.

(e) The Administrator of the General Services Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 5. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

(d) Notwithstanding the authority granted in subsection (a) of this Section, the Board shall not interfere with routine law enforcement or intelligence decisions of any agency.

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

"(d) Support to National ~~and International~~ Drug ~~Law~~ Enforcement Policy ~~Coordinating~~ Board. One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National ~~and International~~ Drug ~~Law~~ Enforcement Policy ~~Coordinating~~ Board and the health issues associated with drug abuse.

SEC. 7. This Act shall be effective January 20, 1985.

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

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15 February 1984
OLL 84-0661

6126

MEMORANDUM FOR: ✓NIO/East Asia/Narcotics

STAT

C/ILD/OGC

STAT

FROM:

Legislation Division
Office of Legislative Liaison

SUBJECT: S. 1783 -- National Narcotics Act of 1984

1. Attached for your review and comment is S. 1787, the National Narcotics Act of 1984. Senator Biden's original bill was amended on the floor to substitute a Department of Justice (DOJ) compromise bill. S. 1787 passed the Senate in this amended format on 7 February 1984, and was subsequently transmitted to the House where it is pending before the House Judiciary Committee, Subcommittee on Crime.

2. S. 1787 would establish in the Executive Branch, a cabinet level board known as the "National Drug Enforcement Policy Board." The Director of Central Intelligence would be a member of this Board, and the Attorney General would serve as Chairman.

3. In carrying out its responsibility to coordinate U.S. operation and policy on illegal drug law enforcement, the Board would be authorized to:

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

The Chairman's principal roles include advising, supporting and making recommendations to the Board. Further, the Chairman, on behalf of the Board, is authorized to:

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed by the Board;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed by the Board.

4. In general, the presence of the DCI on the Board, and the more limited nature of the Board's and Chairman's authority make the DOJ compromise a preferable alternative to the original Biden "Drug Czar" bill. This preference is enhanced by language in section 6 specifically stating that "notwithstanding the authority granted [to the Board], the Board shall not interfere with routine law enforcement or intelligence decisions of any agency."

5. I would appreciate your views and comments on the potential impact of this bill on Agency activities.

STAT

Attachment

cc: D/OLL
DD/OLL
C/LEG/OLL

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

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Mr. BAKER. We yield back that time.

The PRESIDING OFFICER. All time has been yielded back. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. HECHT), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. WARNER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), the Senator from Florida (Mrs. HAWKINS), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), and the Senator from Virginia (Mr. WARNER) would each vote "yea."

Mr. BYRD. I announce that the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Massachusetts (Mr. TSONGAS) are necessarily absent.

I also announce that the Senator from Vermont (Mr. LEAHY) is absent because of illness in family.

The PRESIDING OFFICER (Mr. BOSCHWITZ). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 63, nays 24, as follows:

[Rollcall Vote No. 12 Leg.]

YEAS—63

Abdnor	Exon	Murkowski
Andrews	Ford	Nickles
Baker	Garn	Nunn
Bentsen	Goldwater	Pressler
Bingaman	Gorton	Pryor
Boren	Grassley	Quayle
Bradley	Hatch	Randolph
Byrd	Heflin	Roth
Chiles	Heinz	Rudman
Cochran	Helms	Sasser
Cohen	Huddleston	Simpson
D'Amato	Humphrey	Stafford
Danforth	Jepsen	Stennis
DeConcini	Johnston	Stevens
Denton	Kassebaum	Symms
Dixon	Kasten	Thurmond
Dole	Levin	Tower
Domenici	Long	Trible
Durenberger	Lugar	Wallop
East	Mattingly	Wilson
Evans	McClure	Zorinsky

NAYS—24

Baucus	Inouye	Moynihan
Biden	Kennedy	Packwood
Boschwitz	Lautenberg	Pell
Bumpers	Mathias	Proxmire
Burdick	Matsunaga	Riegle
Chafee	Melcher	Sarbanes
Dodd	Metzenbaum	Specter
Eagleton	Mitchell	Weicker

NOT VOTING—13

Armstrong	Hawkins	Percy
Cranston	Hecht	Tsongas
Glenn	Hollings	Warner
Hart	Laxalt	
Hatfield	Leahy	

So the bill (S. 1764) was passed, as follows:

S. 1764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Exclusionary Rule Limitation Act of 1983".

SEC. 2. (a) Chapter 223 of title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 3505. Limitation of the fourth amendment exclusionary rule

"Except as specifically provided by statute, evidence which is obtained as a result of a search or seizure and which is otherwise admissible shall not be excluded in a proceeding in a court of the United States if the search or seizure was undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment to the Constitution of the United States. A showing that evidence was obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable good faith belief, unless the warrant was obtained through intentional and material misrepresentation.".

(b) The table of sections of such chapter is amended by adding at the end thereof the following item:

"3505. Limitation of the fourth amendment exclusionary rule.".

Mr. BAKER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I wish to make two or three announcements.

Mr. STENNIS. Mr. President, will the Chair maintain order so that we can hear?

The PRESIDING OFFICER. The Senate will be in order.

Mr. BAKER. Mr. President, next, it is the intention of the leadership on this side to try to reach the so-called drug czar bill. There is a budget waiver to accompany that bill. The chairman of the committee has authorized me to say on his behalf—and the manager of the bill is here—that he does not oppose the bill and is agreeable to its passage by voice vote. Of course, any Senator can ask for the yeas and nays if he or she wishes, but it would be my hope that we can pass that bill with minimum debate, in the shortest time possible.

After that, it is the intention of the leadership on this side to try to reach the death penalty bill. I hope it is possible to do that. I do not anticipate that we will be in late tonight in that event, but I do hope that we can lay down the bill and have it pending before we go out this evening.

Mr. BYRD. Mr. President, will the majority leader yield?

Mr. BAKER. I yield.

On another matter——

Mr. BYRD. Will the majority leader proceed to lay down the drug czar bill? I think it has been cleared on this side.

BUDGET WAIVER

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 645, Senate Resolution 324, a budget waiver to accompany the drug czar bill.

Mr. BYRD. I thank the majority leader.

Mr. BAKER. I thank the minority leader.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 324) waiving Section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1787.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to, as follows:

S. RES. 324

Resolved, That pursuant to section 402(c) of the Congressional Budget Act of 1974, the provisions of section 402(a) of such Act are wavied with respect to consideration of S. 1787. Such waiver is necessary because S. 1787, as reported, authorizes the enactment of new budget authority which would first become available in fiscal year 1984, and such bill was not reported on or before May 15, 1983, as required by section 402(a) of the Congressional Budget Act of 1974 for such authorizations.

The budget waiver will allow Senate consideration for S. 1787, entitled the "National Narcotics Act of 1983". The bill establishes the Office of the Director of National and International Drug Operations and Policy".

S. 1787 authorizes the appropriation of $500,000 for fiscal year 1984, and such sums as may be necessary for each of the four succeeding fiscal years.

NATIONAL NARCOTICS ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 359, S. 1787, to establish an office of the Director of National and International Drug Operations and Policy.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1787) to establish an office of the Director of National and International Drug Operations and Policy.

The PRESIDING OFFICER. Is the objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

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LEBANON

Mr. BAKER. Mr. President, about 45 minutes ago I talked to the Vice President of the United States on the telephone, and he indicated at that time that the President was prepared to make a speech on national television, from California, about the situation in Lebanon. As most Members know now, that television address did not occur. I cannot tell the Senate why it did not. Perhaps there were technical reasons.

In any event, Senators should be aware of the fact that a written statement by the President on the Lebanon situation was released by the White House about 15 minutes ago. I will attempt to have copies of that statement available for Senators as soon as possible.

(Later the following occurred:)

Mr. BAKER. Mr. President, President Reagan has just announced a phased and measured redeployment of the marine contingent of the Multinational Forces in Lebanon from their location adjacent to the airport to the ships offshore. I commend the President for this prudent and timely action given the difficulty of the circumstances we find now in Beirut.

I continue to hope that President Gemayel can weather this crisis and provide Lebanon a government, free of foreign interference, which will allow the Lebanese to recapture control of their own destiny.

NATIONAL NARCOTICS ACT

The Senate continued with the consideration of S. 1787.

Mr. BAKER. Mr. President, I hope we can proceed expeditiously with the consideration of this matter.

Before that, I inquire of the managers on both sides if they or anyone else anticipate a rollcall vote on this measure.

Mr. SIMPSON. Mr. President, I stand here as one who is filling in for the chairman, Senator THURMOND, and the chairman of the subcommittee, Senator HATCH. It is my understanding that Senator BIDEN will be the floor manager on the other side.

I have an amendment which I will present on behalf of the committee chairman which I understand has been agreed to. There will not be a rollcall vote requested by the majority, and I cannot speak for the minority Members, Senator BIDEN for not being present.

Mr. KENNEDY. Mr. President, will the Senator yield?

Mr. SIMPSON. I yield.

Mr. KENNEDY. It is my understanding that the Senator from Delaware does not think a rollcall vote is necessary. I do not know if other Members will request it. Senator BIDEN indicated to me earlier that he did not feel it was necessary.

Mr. BAKER. Mr. President, it appears that there will not be a rollcall vote. I caution Senators that the leadership cannot guarantee that there will not be, since any Senator can ask for it. It does not appear likely.

Mr. FORD. Mr. President, will the Senator yield for a question?

Mr. BAKER. I yield.

Mr. FORD. Do we have an estimate of the time for this piece of legislation?

Mr. BAKER. Mr. President, I yield to the distinguished manager of the bill on this side to give us an estimate of how long it will take.

Mr. SIMPSON. Mr. President, the manager was sitting in his office 20 minutes ago when he was advised of his role in this particular effort. Therefore, I really cannot add much of a dimension to that question. A half hour, equally divided.

Mr. FORD. Under those circumstances, it appears to be very short.

Mr. BAKER. I hope it will not take even a half hour. Rather than try to clear a unanimous-consent agreement, which might take longer than a half hour, I will just sit down and hope things go well.

Mr. SIMPSON. Mr. President, since the bill has been laid before the Senate, I submit to the body an amendment, which has been concurred in by the managers of the bill, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON), for Mr. THURMOND, proposes an amendment numbered 2700.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 1, strike out line 3 and all that follows through line 20 on page 7, and insert in lieu thereof the following: That this Act may be cited as the "National Narcotics Act of 1984".

SEC. 2. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 percent of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National Drug Enforcement Policy Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a board must have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure—

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 3. There is established in the executive branch of the Government a Board to be known as the "National Drug Enforcement Policy Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a Chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget and the Director of Central Intelligence and such other officials as may be appointed by the President. Decisions made by the Board pursuant to section 4(a) of this Act shall be acknowledged by each member thereof in writing.

SEC. 4. (b) For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary adviser to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(a) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary pri-

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orities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(c) In carrying out responsibilities under this section, the Chairman, on behalf of the Board is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all government agencies; and

(6) use the mails in the same manner as any other department or agency of the executive branch.

(d) Notwithstanding the authority granted in subsection (a) of this section, the Board shall not interfere with routine law enforcement or intelligence decisions of any agency.

(e) The Administrator of the General Services Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 5. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with repect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

"(d) Support to National Drug Enforcement Policy Board. One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National Drug Law Enforcement Policy Board and the health issues associated with drug abuse.

SEC. 7. This Act shall be effective January 20, 1985.

Amend the title to read as follows: "To establish a National Drug Enforcement Policy Board.".

Mr. SIMPSON. Mr. President, with the adoption of this amendment, which, as I say, has been concurred in by Senator BIDEN, the floor manager of the bill, and by Senator THURMOND, the floor manager on this side, this is simply the amendment which sets up the drug enforcement policy board, which is chaired by the Attorney General.

This is the board charged with developing policy with respect to strategy and budgetary priorities aimed at facilitating this coordination between the law enforcement agencies. It will coordinate the gathering and evaluation of intelligence in this area.

As chairman of the board, the Attorney General will be the primary adviser to the President, and he is also authorized to provide guidance relating to those matters, including reviewing programs and reprograming, and the board would be required to report to Congress biannually.

The amendment simply then goes on to say that it will not interfere with routine law enforcement or intelligence decisions of any agency.

Mr. President, I move the adoption of the amendment, unless there is further discussion.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming.

The amendment (No. 2700) was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, it seems as though this is going to be a good day for the Senate and I hope the country, although I do not want to equate the two. After some time, the President just announced that there is going to be a phase withdrawal of the marines from Lebanon and after a longer period of time, it looks like we have some unanimity on the so-called drug czar bill.

I am prepared on behalf of myself and Senator DECONCINI and Senator PELL, who were deeply involved in this legislation for the past several years, to accept the amendment that has been put forward by Senator SIMPSON on behalf of Senator THURMOND and others.

Mr. President, I commend Senator THURMOND for his initiative in this area. It is not everything I wanted, but it is pretty darn close.

I think we made a good compromise here. What we have essentially done here is what we tried—and I must admit Senator THURMOND and I both tried—to convince the President to do a year and some months ago in the Oval Office just before we recessed which was to essentially establish for the drug area the equivalent of a DCI, Director of Central Intelligence, and with the same type of authority.

Without taking the time of the Senate, because I know a number of my colleagues have to catch planes and have places to go, and since we debated this thing so many times and we passed it twice already, I will not take a lot of time.

But I would like to point out that the administration did move some on this but they did not propose much more than establishing a board that already exists. Senator THURMOND's amendment give the Attorney General, the chairman of the board, the authority to carry out policy and budget decisions approved by the board. The Attorney General also becomes, by statute, the primary adviser to the President and the Congress on drugs.

The reason that is important is we would like to be able to call somebody up and find out what the policy is and know who is in charge—who is on first and who is on second and what the game plan is.

I concur with this compromise because it gives the Attorney General sufficient clout to clearly bring coordination and central management to our omnibus drug problem.

Mr. PELL. Mr. President, I strongly support the compromise proposal to establish a National Drug Enforcement Policy Board. This is a proposal Senator DECONCINI, Senator BIDEN and I initiated several years ago and certaintly the need for this Cabinet-level Board is greater today than ever before. The Senate has passed virtually identical proposals by solid majorities on two separate occasions, and I am hopeful that on this third effort we will be successful in enacting this long needed initiative into law.

The legislation we are proposing is really very simple. At least 15 separate Federal agencies play a role in drug enforcement, and these agencies are spread through six different departments. Coordination and leadership of our drug enforcement programs is such a complex and diverse job that it requires the principal attention and responsibility of one person within the Cabinet. The General Accounting Office, in a report last summer entitled "Federal Drug Interdiction Efforts Need Strong Central Oversight," strongly criticized the fragmentation of the Federal antidrug effort. The GAO recommended that the President develop an overall national strategy that better defines the roles of the many agencies involved with this problem. The GAO also called for a clear delegation of responsibility to one individual to lead and coordinate Federal drug enforcement programs.

I do not believe that any Member of the Senate would dispute the need for a more aggressive national attack on the drug trafficking problem. Drug trafficking and abuse are no longer a problem that is contained in our large cities; the health impairment and crime that flow from this problem are evident today in every neighborhood in the United States. We have enjoyed successes in containing the problem, such as the much-heralded Florida Task Force, but in reducing the prob-

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Approved For Release 2009/04/14 : CIA-RDP95B00895R000200080004-2

lem in that area we have seen trafficking activity shift to other regions of the country.

Last fall I conducted a hearing of the Foreign Relations Committee in Rhode Island on the sources of the drug trafficking problem in New England. Testimony clearly indicated that coastal smuggling of drugs has increased significantly in New England since the marshaling of Federal efforts in south Florida. While the law enforcement personnel who testified where uniform in citing the successes that have been achieved, they were frank to admit that—as far as putting a dent in drug trafficking operations—we are only touching the tip of an iceberg. Just last week the President released a budget which reduces funding for the Coast Guard, the agency principally concerned with stopping coastal drug smuggling. It is anticipated that the budget recommendations will result in the cut of over 650 military billets and about 100 civilian positions. These cuts will have a real impact on the Coast Guard's law enforcement effectiveness, and underscore the fact that our overtasked and underfunded agencies are outmatched in fighting a war against a well-organized, well-financed $80 billion a year industry. What we are seeking to do with this bill is to provide the high level of leadership that has been lacking from our drug control efforts, and I am satisfied that the Cabinet level Board—which will be chaired by the Attorney General—will have the necessary power to both establish national and implement a more effective drug enforcement policy.

We have all seen the effects of drug trafficking in our communities, and we all recognize that—by its very nature—the sources of this problem cannot be reached by local law enforcement. This bill is a first step in an all out national attack on the drug trafficking menace, and I urge each of my colleagues to join in providing the strong leadership that is essential to dealing with this growing national problem.

Mr. BIDEN. Mr. President, as far as this side of the aisle is concerned, I do not know that anyone wishes to speak or seeks a rollcall vote. I am prepared to yield back all of my time and voice vote this if that is agreeable with the manager, Senator SIMPSON.

Mr. SIMPSON. Mr. President, I have nothing further to add on behalf of the floor manager of the bill except to say, as a member of the Judiciary Committee, that I have personally observed how Senator THURMOND and Senator BIDEN have worked so closely on this measure. We have a fine result, in my mind. I commend them both, knowing that it has been something of great interest to them. It has been a privilege to be involved in it as a member of the committee.

There are no requests for a rollcall vote on this side of the aisle. I yield back the balance of my time.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

So the bill (S. 1787), as amended, was passed as follows:

S. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Narcotics Act of 1984".

SEC. 2. (a) The Congress hereby makes the following findings:

(1) The flow of illegal narcotics into the United States is a major and growing problem.

(2) The problem of illegal drug activity falls across the entire spectrum of Federal activities both nationally and internationally.

(3) Illegal drug trafficking is estimated by the General Accounting Office to be an $80,000,000,000 per annum industry in the United States.

(4) The annual consumption of drugs has reached epidemic proportions.

(5) Despite the efforts of the United States Government and other nations, the mechanisms for smuggling opium and other hard drugs into the United States remain virtually intact and United States agencies estimate that they are able to interdict no more than 5 to 15 percent of all hard drugs flowing into the country.

(6) Such significant indicators of the drug problem as drug-related deaths, emergency room visits, hospital admissions due to drug-related incidents, and addiction rates are soaring.

(7) Increased drug trafficking is strongly linked to violent, addiction-related crime and recent studies have shown that over 90 percent of heroin users rely upon criminal activity as a means of income.

(8) Much of the drug trafficking is handled by syndicates, a situation which results in increased violence and criminal activity because of the competitive struggle for control of the domestic drug market.

(9) Controlling the supply of illicit drugs is a key to reducing the crime epidemic confronting every region of the country.

(10) The magnitude and scope of the problem requires the establishment of a National Drug Enforcement Policy Board, chaired by the Attorney General, to facilitate coordination of all Federal efforts by relevant agencies.

(11) Such a Board must have responsibility for coordinating the operations of Federal agencies involved in attacking this problem through the development of policy and resources, so that a unified and efficient effort can be undertaken.

(b) It is the purpose of this Act to insure—

(1) the maintenance of a national and international effort against illegal drugs;

(2) that the activities of the Federal agencies involved are fully coordinated; and

(3) that a single, competent, and responsible high-level Board of the United States Government, chaired by the Attorney General, will be charged with this responsibility of coordinating United States policy with respect to national and international drug law enforcement.

SEC. 3. There is established in the executive branch of the Government a Board to be known as the "National Drug Enforcement Policy Board" (hereinafter in this Act referred to as the "Board"). There shall be at the head of the Board a Chairman who shall be the Attorney General (hereinafter in this Act referred to as the "Chairman"). In addition to the Chairman, the Board shall be comprised of the Secretaries of State, Treasury, Defense, Transportation, Health and Human Services, the Director of the Office of Management and Budget and the Director of Central Intelligence and such other officials as many be appointed by the President. Decisions made by the Board pursuant to section 4(a) of this Act shall be acknowledged by each member thereof in writing.

SEC. 4. (b) For the purpose of coordinating the activities of the several departments and agencies with responsibility for drug law enforcement and implementing the determinations of the Board, it shall be the duty of the Chairman—

(1) to advise the Board in matters concerning drug law enforcement;

(2) to make recommendations to the Board for the coordination of drug enforcement activities;

(3) to correlate and evaluate intelligence and other information on drug law enforcement to support the activities of the Board;

(4) to act as primary adviser to the President and Congress on national and international illegal drug law enforcement programs and policies developed by the Board under subsection (a) of this section and the implementation thereof; and

(5) to perform such other duties as the President may direct.

(a) The Board shall facilitate coordination of United States operations and policy on illegal drug law enforcement. In the furtherance of that responsibility, the Board shall have the responsibility, and is authorized to—

(1) review, evaluate and develop United States Government policy, strategy and resources with respect to illegal drug law enforcement efforts, including budgetary priorities and a National and International Drug Law Enforcement Strategy;

(2) facilitate coordination of all United States Government efforts to halt national and international trafficking in illegal drugs; and

(3) coordinate the collection and evaluation of information necessary to implement United States policy with respect to illegal drug law enforcement.

(c) In carrying out responsibilities under this section, the Chairman, on behalf of the Board is authorized to—

(1) direct, with the concurrence of the head of the agency employing such personnel, the assignment of government personnel within the United States Government in order to implement United States policy with respect to illegal drug law enforcement;

(2) provide guidance in the implementation and maintenance of policy, strategy and resources developed under subsection (a) of this section;

(3) review and approve the reprogramming of funds relating to budgetary priorities developed under subsection (a) of this section;

(4) procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the grade of GS-18 of the General Schedule;

(5) accept and use donations of property from all government agencies; and

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(6) use the mails in the same manner as any other department or agency of the executive branch.

(e) The Administrator of the General Service Administration shall provide to the Board on a reimbursable basis such administrative support services as the Chairman may request.

SEC. 5. The Chairman shall submit to the Congress, within nine months after enactment of this Act, and biannually thereafter, a full and complete report reflecting United States policy with respect to illegal drug law enforcement, plans proposed for the implementation of such policy, and, commencing with the submission of the second report, a full and complete report reflecting accomplishments with respect to the United States policy and plans theretofore submitted to the Congress.

SEC. 6. Title II of the Drug Abuse Prevention, Treatment and Rehabilitation Act (21 U.S.C. 1112) is amended by adding at the end of section 201 (21 U.S.C. 1111) a new subsection (d) as follows:

(d) Notwithstanding the authority granted in subsection (a) of this section, the Board shall not interfere with routine law enforcement or intelligence decisions of any agency.

"(d) Support to National Drug Enforcement Policy Board. One of the duties of the White House Office of Drug Abuse Policy shall be to insure coordination between the National Drug Enforcement Policy Board and the health issues associated with drug abuse.

SEC. 7. This Act shall be effective January 20, 1985.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, in a few moments I am going to attempt to get to the death penalty bill, but I do not anticipate completing action on that measure tonight. Therefore, may I announce that there will be no more record votes today.

Mr. President, the managers of that measure are not here. I wish to talk to the minority leader before we proceed. For the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistance legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, the leadership on this side still intends to go or attempt to go to the death penalty bill tonight. While we try to get managers here and on deck, I ask unanimous consent that there be a period for the transaction of routine morning business not to extend past the hour of 7 p.m., in which Senators may speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORT OF THE CITIZENS' COMMISSION ON HUNGER IN NEW ENGLAND

Mr. KENNEDY. Mr. President, yesterday the Citizens' Commission on Hunger in New England released its report, "American Hunger Crisis: Poverty and Health in New England." The Commission, composed of 25 eminent individuals and experts in the fields of medicine and nutrition and chaired by Dr. Larry Brown of the Harvard School of Public Health, has gathered concrete data documenting the tragic reality of hunger in our country.

The Commission's principal findings are that:

Hunger exists in every State in New England, has been growing at a steady pace over the past 3 years and shows no sign of diminishing.

A new class of poor people who have never been poor or hungry before has recently emerged and appears to be growing.

There is a growning body of evidence that malnutrition is becoming a serious problem among poor children in the United States. Among the studies cited by the Commission are the 1983 Massachusetts Nutrition Survey which found 9.8 percent of the children studied to be chronically malnourished and 12.2 percent to be anemic; a national survey of 400,000 low income children, conducted by the Center for Disease Control, found that 8.5 percent of those children were stunted and 7 percent were anemic.

According to social service workers and doctors who testified before the Commission, it is nearly impossible for the elderly poor to eat adequately under current economic conditions.

These findings should not surprise the Members of this body and they are certainly no surprise to me. During the last 2 years almost a dozen independent studies conducted by the Conference of Mayors, the Center on Budget and Policy Priorities, the Food Research and Action Center, and other groups have produced clear, convincing, and overwhelming evidence that hunger exists and that the number of hungry people in America is growing.

In December I submitted my own report, "Going Hungry in America," to the Senate Labor Committee detailing my own findings and recommendations following 5 days of hearings around the country, and in which I reached the same conclusions about the seriousness of the hunger crisis. Only one report, the report issued by President Reagan's Task Force on Food Assistance Programs, has reached a contrary conclusion.

As we begin this year's budget debate, all of us in the Congress have a responsibility to act in light of the growing body of evidence on the extent of hunger in our society. In its excellent new study, the New England commission carefully examines the history of the Government's response to the problems of the needy and places the blame for the current hunger crisis squarely on the shoulders of the Federal Government.

Regressive policy choices have created the hunger problem and there is no secret about what must now be done. Increased funding for Federal food assistance programs—most of which must be reauthorized in this Congress—can make the difference.

Congress has the power to put America back on the path of progress toward the eradication of hunger. I welcome the report of the citizen's commission as an important new contribution to our understanding of the issue.

On behalf of the commission chairman, Larry Brown, of the Harvard School of Public Health, I am today providing each Member of the Senate with a copy of the report. I urge all of my colleagues to read it with the care it deserves.

HEALTH CARE FOR AMERICA'S DISABLED VETERANS: THE GRACE COMMISSION THREAT

Mr. CRANSTON. Mr. President, this morning at a joint hearing of the House and Senate Committees on Veterans' Affairs, the National Commander of the Disabled American Veterans, Dennis A. Joyner, presented that great organization's legislative recommendations for 1984. In his very excellent testimony, Commander Joyner focused on the threat to veterans' programs posed by a number of the recommendations of the President's Private Sector Survey on Cost Control—the so-called Grace Commission.

My statement for the joint hearing responded to the DAV testimony on that point, and I would like to reiterate for the information of my colleagues and the public part of my remarks.

Mr. President, I had to agree with the DAV's National Commander that the threats to Veterans' Administration health care and benefits programs that he identified are quite real and current.

Last week, Office of Management and Budget Director David Stockman, appearing before the Senate Budget Committee, testified that the Grace Commission proposals for veterans' programs are receiving serious consideration. On February 2, Mr. Stockman stated:

> While major strides in budget control have been achieved over the past three years, it should not be concluded that all savings possibilities have been exhausted. . . . [T]he Grace Commission report contains literally hundreds of suggestions . . . which, after further analysis and refinement, can be expected to generate substantial savings proposals for next year's budget.
>
> In particular, the following eight budget categories illustrate the opportunities for significant future savings beyond the limited measures proposed in the 1985 budget. . . . [T]hey illustrate both the major opportunities as well as the kind of hard choices which will face the Administration and Con-

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